



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 916

PRINTERS NO. 2582

PRIME SPONSOR: Stephens

COST / (SAVINGS)

FUND	FY 2019/20	FY 2020/21
Commonwealth Funds	\$0	\$0
County Funds	See "Fiscal Impact"	See "Fiscal Impact"

SUMMARY: Amends Title 75 (Vehicle Code) to require courts to evaluate repeat DUI offenders for the suitability of a substance monitoring program as a condition of bail. This legislation would take effect in 60 days.

ANALYSIS: This legislation amends the Vehicle Code to require courts to evaluate repeat DUI offenders for the suitability of a substance monitoring program as a condition of bail. A repeat DUI offender is an individual who:

- is pending adjudication for a DUI and has one or more prior DUI convictions within the past 10 years; or
- is pending adjudication for two or more DUIs.

A substance monitoring program prohibits the individual from using alcohol, controlled substances or both while also being required to use or participate in any of the following for no less than 90 days as a condition of bail:

- a continuous alcohol monitoring device, remote breath testing device or any other alcohol monitoring technology or device; or
- random drug testing or another controlled substance monitoring device.

A continuous alcohol monitoring device is defined as a monitoring device or instrument that:

- is attached to the person;
- is designed to automatically test the alcohol in a person by contact with the skin of the person at least once per one-half hour regardless of the location on the person;
- detects the presence of alcohol; and
- detects an attempt to tamper with, obstruct or remove the device or instrument.

A remote breath testing device is an unsupervised mobile breath testing device that:

- is not affixed to a motor vehicle;
- can confirm the identity and location of the individual; and
- detects the presence of alcohol.

An individual pending adjudication would be financially responsible for all costs associated with the substance monitoring program. If the individual is determined by the court to lack the financial ability to pay for all or part of the costs, the court can authorize the respective county to finance the costs associated with the substance monitoring program. A court determination shall be based on an appropriate inquiry into the financial circumstances of the individual required to participate in a substance monitoring program and an affidavit or certificate, signed by that individual, demonstrating financial inability to pay all or part of the costs associated with the substance monitoring program.

FISCAL IMPACT: This legislation would have no adverse fiscal impact on Commonwealth funds. Counties could incur costs if a court would authorize that respective county to finance all or part of the costs of a substance monitoring program.

PREPARED BY: Tim Rodrigo
House Appropriations Committee (R)

DATE: January 10, 2020

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.